

HISTORIC PRESERVATION COMMISSION

Minutes

November 12, 2009

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, November 12th in the Council Chambers at the City Hall, 217 S. Main Street.

Present: Anne Lyles, Susan Hurt, Deborah Johnson, Judy Kandl, Emily Perry Andrew Pitner, Kathy Walters

Absent: Jack Errante, Anne Waters

The meeting was called to order by the Chairperson, Anne Lyles. Following introduction of the members present, the purpose and procedure for the meeting was read by the chairperson.

Requests for Certificates of Appropriateness

H-44-09 217 S. Main Street – City of Salisbury, owner - Lynn Raker, applicant

Request: Curb cut in lower City Hall parking lot to accommodate back entrance of new theater.

Lynn Raker was sworn in to give testimony for the request. Staff presented slides as she reminded the Commission of the theater project that had already come before them for approval. The approval, she said, included a pedestrian walkway from the theater's back door out to the existing lower parking lot at city hall. She then described the entrance into the parking lot which is through an existing fence that spans the whole length of the area. For the walkway to function they will need to open the fence, and lower the curb to make the walkway handicap accessible.

In response to Andrew Pitner who asked that if there would be changes to the parking lot, Ms. Raker said that one parking space would be hashed off in order to accommodate the room needed.

Judy Kandl inquired as to the type of curb cut that would be needed, to which Ms. Raker responded by saying it would be a pedestrian cut only; not a vehicle-wide cut.

Ms. Raker explained in response to a question from Emily Perry that when parents drop off their children for rehearsals they would be able to go straight from the parking lot along the walkway. She said it would be for pedestrians only, or possibly a wheelchair, but not for vehicles.

Public Hearing

There was no one present to speak in support of the request.

Clyde Overcash, an adjoining property owner, was sworn in to speak. He had questions and comments relative to the reasons the request was brought before the Commission. He commented that the request had nothing to do with parking guidelines nor could the curb be considered historic as it was just put in about 10 years ago.

Janet Gapen informed Clyde that the request was for a change to the physical appearance of the historic district.

Deliberation

There were no questions or comments from Commission members regarding the application.

Motion

Kathy Walters made the following motion: “I move that the Commission find the following facts concerning Application #H-44-09 – that Lynn Raker, applicant and agent for the city of Salisbury, owner of 217 S. Main Street, appeared before the Commission and sought a Certificate of Appropriateness to put a curb cut in the lower City Hall parking lot to accommodate a back pedestrian entrance for the new theater; that Clyde Overcash appeared before the Commission to question why it needed to come before the Commission; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting – Parking & Paving, pages 57-58, guidelines 1-4; Chapter 4 – Site Features and District Setting – Landscaping & Streetscape, pages 59-60, guidelines 1,2, and 7-12 of the Non-Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-44-09 be granted to Lynn Raker, applicant and agent for the City of Salisbury, owner of 217 S. Main Street, to make the changes detailed in the application.”

Andrew Pitner seconded the motion; all members present voted AYE.

H-45-09 217 S. Main Street – City of Salisbury, owner - Lynn Raker, applicant **Request:** Installation of covered bike rack

As Lynn Raker began testimony for the request, slides were shown by staff of a plan previously submitted for parking lot improvements which included location of a proposed covered bike rack and locker. She stated that the existing dumpster and fence would be totally removed and the area returned back to parking. She then presented a revised plan to show a different location for the bike rack which is closer to the building than was previously shown. The new location is between the parking area and the fence for Queen’s Gifts back entrance where a retaining wall runs perpendicular to it, and parallel to the existing curbing. She said there would be brick inside the curbed area where the rack is going.

She showed a picture of a covered bike shelter that is being considered which she described as simple in style but would protect the bikes in bad weather; the actual rack is a waved style that would hold a maximum of 10 bikes. She estimated that the size of the shelter converted from meter measurements, as shown on the flyer, is approximately 12’x 6’ x 8’.

In response to a question from Judy Kandl, Ms. Raker said a metal shelter with a dome cover is the concept that she is presenting in order to make sure that she is going in the right direction in choosing one that is appropriate in a historic preservation prospective, as well as a style that the Commission would be in favor of. She said the shelter proposed was recommended to her from cyclists who have specifically requested a shelter.

Judy Kandl, noting that the material for the top of the proposed shelter is polycarbonate, informed commission members that polycarbonate is known to change color and yellows with age. She said “whether that is true with this I don’t know,” but the decision and recommendation needs to be made knowing that is a possibility.

Judy Kandl said in response to a question from Susan Hurt that the color could change within a couple of years. She said, “I was surprised that it happened faster than I thought it did.”

Lynn Raker said it is more like a flexi-glass, it is safer, and would not break as easily as glass would.

Anne Lyles said she would think that it should be a top that would give some bit of shade or it would get really hot. Andrew Pitner commented that it is all open on the sides.

Janet Gapen said the guideline on Streetscape is the only guideline that they have to go by which reads – *Sidewalk furniture including benches, trash receptacles, tree grates, etc. should be of a material and color that is compatible with a historic downtown. Brightly colored or contemporary street furniture is not appropriate.* She said the color issue should be their biggest concern.

In response to a question from Judy Kandl, Ms. Raker stated that the bike rack requested is the only one proposed for now; however, if it works well, they may get one for other locations.

Susan Hurt said that in her opinion a plexiglass material that yellows would be a concern; however, she continued; it would also wear in other ways. She said it is not going to last because it is not a tough, permanent material.

Anne Lyles said her idea would be an awning type material, possibly a black or bronze color.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

Judy Kandl stated that there are catalogs in her office that she would check out to see what might be available.

Susan Hurt stated that the material seemed to be the only question. She said the location is well suited, the size scale and the rack were all appropriate to the guidelines. Andrew Pitner and Kathy Walters voiced their agreement.

Lynn Raker said would continue to look at alternatives and come back with a specific design.

Motion

Judy Kandl made the following motion: “I move that the Commission find the following facts concerning Application #H-45-09 – that Lynn Raker, applicant and agent for the City of Salisbury, owner of 217 S. Main St., appeared before the Commission and sought a Certificate of Appropriateness to install a covered bike rack; that no one appeared before the Commission to support or oppose this request, this request should be granted based on the Secretary of Interior Standards for Rehabilitation, and Chapter 4 – Site Features & District Setting – Landscaping & Streetscape, pages 59-60, guideline 4 of the Non-Residential Historic District Design Guidelines, and 2.4.5 of Architectural Metal of the guidelines; no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-45-09 be granted as amended to Lynn Raker, applicant and agent for the City of Salisbury, owner of 217 S. Main Street for bike rack that was submitted, the concept and proposed size for a bike cover with a roof , metal supports, the possibility of a synthetic roof covering, and the location proposed behind Queen’s Gifts; no colors proposed.”

Susan Hurt seconded the motion; all members present voted AYE.

Other Business

Notice of owner intent to demolish structure

1008 Monroe Street - Hattie A. Miller Heirs, owner
James Cecil Simpson, Jr., applicant

Janet Gapen began by giving a background of the property. She informed the Commission members that the owner is initiating the request for demolition which falls under the following guideline: **Sect. 7-64.1(a)** *No building or structure within any of the city’s national register historic districts shall be demolished or otherwise removed until the owner thereof shall have given the historic preservation commission 90 days written notice of this proposed action. If the historic preservation commission finds that the building involved has no particular historic significance or value toward maintaining the character of the national register historic district, it may reduce all or part of such 90-day period and authorize earlier demolition or removal.*

She informed the members of the letter received from the property owner indicating his desire to demolish the structure. She said the property is located in the Livingstone College National Register Historic District which she indicated on the map. Photographs of the structure, located across the street from Livingstone College, were presented.

In response to a question from Andrew Pitner, Janet Gapen stated that the request from the owner for the demolition was received in response to notification that he received from Chris Branham, Code Enforcement Officer, informing of code violations which needed to be remedied.

Chris Branham informed the Commission that the owner shared with him that he had initiated the process about 2 years ago but was told that demolition was not an option.

In response to questions concerning the condition of the structure, Chris Branham said the house is boarded up so he had not been inside. However, he was informed by the owner that there has been water leakage in the house for quite some time so apparently there is probably a lot of water damage.

Kathy Walters asked if the Historic Salisbury Foundation would be given the opportunity to salvage artifacts from the property prior to demolition. Chris Branham said if they are interested he would put them in contact with the owner. He said, "It is nothing that I can require."

Janet Gapen stated that since the new Code Services Division was created, there has been close communication with the Foundation through the Preservation Action Committee who is kept aware of the list of structures that have code enforcement issues. She said "We are really trying to make an effort to make sure that there's as much lead time as possible that the Foundation and the Preservation Community that works through the Foundation is aware of actions that may be pending on properties."

She further stated that there have been requests from neighborhoods to do something about abandoned houses that are having such a negative impact on neighborhoods, including the historic districts.

Kathy Walters asked if there had been requests or complaints from neighbors other than to demolish it, to which he replied "Yes."

Anne Lyles asked Chris Branham if he knew whether or not the owner would be open to selling the structure to someone who would restore it. He said had not had a conversation of that nature with Mr. Simpson but if an interest is shown he would supply the information needed.

Emily Perry asked if legally the desires of all the heirs of the property would be needed or if Mr. Simpson was speaking on behalf of all them. Commission members agreed that should be verified before demolition.

Chris Branham said he did not know but would find out. He said the applicant, James Cecil Simpson, Jr., is the name listed on the tax record as the contact person for the Hattie A. Miller Heirs property.

Jack Thomson, Historic Salisbury Foundation, was sworn in to speak.

Mr. Thomson inquired as to whether or not Livingstone College had received notification of the meeting as one of the adjoining property owners.

Janet Gapen confirmed that Livingstone College was included in the list for notification as an adjoining property owner. However, no one from the college has made any contact with anyone in reference to the request for demolition.

Jack Thomson said it was his determination that some type of documentation should be received from Mr. Simpson stating that he is the executor of the estate.

He informed the Commission that at this point, the real estate program at the Foundation has no funds to purchase any property at any kind of market rate. In his opinion, the subject property, he said, does have some advantages for market ability because of its proximity to a campus that has a changing and consecrated population with both professional and student housing demands- and would qualify for state and federal tax credits. All of which would be a strategy to approach the property owner with as an enticement for them see that the property is worth more with the building on it than it would be vacant.

Jack Thomson stated that he would be willing to try to convince the property owners that the house is more valuable with the tax credits. He said the tax credits would be a resource lost if the structure was removed.

Janet Gapen stated that the demolition requires a 90-day notice but could be reduced if the Commission sees fit to do so. Kathy Walters said that would be enough time for the Commission to get some answers and time for Jack Thomson to explain to the owners the benefits for saving the structure.

Jack Thomason said the Foundation needs to have a coordinated plan with code enforcement in order for them and the owner to know the proper steps that need to be taken according to their code.

Chris Branham informed Mr. Thomson that if the demolition request was withdrawn by the applicant, according to the city code, the structure would become abandoned at that point because it has been vacant for more than 30 days.

In reference to a question from Jack Thomson, Chris Brandon stated that even if the house was being marketed it would still be considered abandoned according to the definition of "abandonment" in the code. Susan Hurt added, "It would not get the city's attention if it is maintained."

Chris Branham explained in response of a question from Jack Thomson that the steps that need to be followed by Mr. Simpson if he realizes the value of the property with the structure on it would be to clear the vegetation from the property, board up the structure, in addition to the other requirements listed in Minimum Housing, Chapter 10 of the City Code.

Chris Branham continued by clarifying the definition of "abandonment" as found in the minimum housing code.

Jack Thomson asked Chris Branham if he could be notified when letters are sent to property owners to find out their intent for abandoned properties.

In response to a question from Susan Hurt, Jack Thomson explained the Foundation's policy for stabilizing properties. He stated that as of right now, the Foundation's policy is to put monies toward properties that they own fee simple, and not to expend any funds.

He informed the Commission that he would probably try to convince the owner that they can market their property and find a buyer, over some course of time, who would be willing to take advantage of the tax credits or discuss with the owner the possibility of allowing the foundation to have an option to purchase, which would also be over a period of time – 12 to 24 months. He said that even with the option it would not be the Foundation's policy to stabilize the property, just simple ownership.

He further stated that one of the challenges would be whether Mr. Simpson would be willing to come here from New York to stabilize the property with there are no heirs here.

Anne Lyles said it would be interesting to know who the local heirs are.

Motion

There being no further discussion, Susan Hurt made the motion as follows: "I move that the Commission find the following facts concerning the property at 1008 W. Monroe St. – that on November 12, 2009, the Commission received written notice from the owners, James Cecil Simpson, Jr. as representative for the family Trust of intent to demolish the primary structure located at 1008 W. Monroe Street; that Jack Thomson, of the Historic Salisbury Foundation, appeared before the Commission to comment on this notice; that the structure is listed as contributing to the Livingstone College National Register Historic District; that the structure has particular historic significance or value toward maintaining the character of the National Register Historic District, as evidenced by contributing status within the district and from the period of significance for the district and has many defining architectural features that are relative to the district; therefore, in accordance with the Salisbury City Code, Section 7-64-1, I move that the Commission require written notice for a period of 90 days before demolition of the structure."

Andrew Pitner seconded the motion; all members present voted AYE.

In response to a question from Anne Lyles, Janet Gapen stated that the Commission would have no other action to take pertaining to the demolition. Jack Thomson said, "We would welcome any individual volunteer effort."

In response to a question from Emily Perry, Janet Gapen said the property owner is responsible for the cost of demolition.

Other Business

Appoint Committee to study and recommend various changes to the guidelines

Janet Gapen stated that there some changes to the guidelines that have been discussed at the staff level which are necessary because of the changing role and restructuring of the enforcement division which historic preservation enforcement now falls under. She said it has been become obvious that the enforcement of COAs are not working as well as they should; therefore, some strategies will be put into effect to help the code enforcement activities which include: to streamline, to tighten up, to follow-up, tracking, and better monitoring.

She presented the following ideas that a committee and staff would need to work through to come up with a better process:

1. The process for the COA – when they expire and when they can be renewed.
2. Fees for COAs.
3. Posting Properties – both for COA applications, and for approvals of COAs.
4. Elimination of regulating paint colors.
5. Changes in guidelines for the grant program.

Ms. Gapen said they would need to make a decision on the committee meeting dates in order to accommodate the schedules of the committee members.

In response to a question from Judy Kandl, Janet Gapen said at this point she had thought that the committee would consist of members from the Commission, the Foundation, and Code Enforcement representatives. She said they need to determine exactly what they are going for first and then the committee could determine what sort of public comment they might want to gather from that. She said there would be a public hearing and advertising component, and further stated that it might be helpful to have a public information session in order to spell out the changes and the reasons for the changes and then get public comment. She said there would be various levels and layers upon which people can become familiar with what is proposed.

Jack Thomson said one of several things that the Foundation can help with in the process would be to validate what city staff is putting forward as far as what the national conversation is because of the information resources that they have with what other communities have adopted.

Ms. Gapen said she would send some comments from various sources regarding the regulation of paint colors.

Ms. Gapen then read information regarding some legislative changes made in the 2009 General Assembly regarding the extension of permit approvals which included COAs.

Ms. Gapen gave information that would allow Commission members to plug into the North Carolina Preservation list serve that is made available for only commission members and staff. She said they would be able to see what other commissions are doing. Jack Thomson stated that sometimes some very good information can be found.

2009-2010 Goals will be discussed at the next meeting.

Enforcement activities: 1001 N. Main – windows installed without the muntins.

218 W. Thomas – work that was done without a COA.

The property owners have been notified but no response has been received as yet from either.

Ms. Gapen gave out copies of several articles copied from a magazine which she thought might be interesting reading for the Commission members. They included information dealing with historic integrity, translating national register districts into local boundaries, cultural landscapes, and solar panels.

Ms. Gapen informed the Commission that she, along with Judy Kandl, attended a lecture in Southern Pines NC by Charles Berbom. They both spoke very highly of the lecture.

Blackmer House: Ms. Gapen stated that the delay period for the demolition has now passed which makes the COA approved. She said she did not send a letter to Mr. Blackmer stating that fact. She said if he wants to proceed with demolition a hearing would be held by Code Enforcement before a demolition permit would be issued.

Minor works: There were no questions regarding the minor work approvals for October 2009.

Minutes

The minutes were accepted as received upon a motion by Kathy Walters and seconded by Judy Kandl.

Adjournment

There being no other business to come before the Commission, the meeting was adjourned at 7:15 p.m.

Anne Lyles, Chair

Judy Jordan, Secretary

